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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

NICOLAS FELIX,

Plaintiff,

vs.

JAMES DZURENDA, et al.,

Defendants.

Case No. 3:17-cv-00010-MMD-CBC

*ORDER*  
**MOTION FOR EXTENSION OF THE 90 DAY  
STAY AND DEADLINE TO FILE THE 90  
DAY STAY REPORT**

Defendants by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Erin L. Albright, Deputy Attorney General, hereby move this Court for an extension of the ninety (90) day stay and an extension of the deadline to file the ninety (90) day stay report. This motion is based on the following Memorandum of Points and Authorities and all papers and pleadings on file herein.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. NATURE OF MOTION**

On January 11, 2019, this Court entered its Order, staying this matter for ninety (90) days to allow the parties an opportunity to settle before an answer or other pleading is filed. (ECF No. 10 at 6). The Court further ordered the Office of the Attorney General to file the ninety (90) day stay report at the conclusion of that time period. *Id.* Based on that Order, the ninety (90) day stay is due to expire on April 11, 2019, and the ninety (90) day report is due to be filed that day. *Id.*

The Early Mediation Conference (EMC) is currently scheduled for June 11, 2019. (ECF No. 18 at 1).

1 **II. DISCUSSION**

2 FED. R. CIV. P. 6(b)(1) governs enlargements of time and provides as follows:

3 When an act may or must be done within a specified time, the court may,  
4 for good cause, extend the time: (A) with or without motion or notice if  
5 the court acts, or if a request is made, before the original time or its  
extension expires; or (B) on motion made after the time has expired if the  
party failed to act because of excusable neglect.

6 The proper procedure, when additional time for any purpose is needed, is to present a request for  
7 extension of time before the time fixed has expired. *See Canup v. Mississippi Val. Barge Line Co.*, 31  
8 F.R.D. 282 (W.D.Pa. 1962). Extensions of time may always be asked for, and usually are granted on a  
9 showing of good cause if timely made under subdivision (b)(1) of the Rule. *See Creedon v. Taubman*,  
10 8 F.R.D. 268 (N.D. Ohio 1947).

11 Good cause exists to extend the stay in this case because it will permit the parties to engage in  
12 settlement discussions without Plaintiff being assessed a filing fee and without Defendant being  
13 required to file the 90 day stay report and prepare a response to Plaintiff's Complaint. Additionally,  
14 this will allow time for representatives for Defendants to attend the EMC to discuss Plaintiff's  
15 concerns. Extending the stay will provide the parties the opportunity to engage in informal and formal  
16 settlement discussions without the pressure of the litigation process, and provide sufficient time to  
17 schedule another mediation if necessary.


18 **III. CONCLUSION**

19 Based on the foregoing, Defendants respectfully request that the Court enter an order extending  
20 the stay in this case and the deadline to file the 90 day stay report to two weeks after an EMC is  
21 scheduled in this matter.

22 DATED this 10<sup>th</sup> day of April, 2019.

23 AARON D. FORD  
24 Attorney General

25 By:

  
26 ERIN L. ALBRIGHT  
27 Deputy Attorney General  
28 State of Nevada  
Bureau of Litigation  
Public Safety Division

26 **IT IS SO ORDERED**

27   
28 U.S. MAGISTRATE JUDGE

DATED: 4/12/2019

*Attorneys for Defendant*